UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.7/1996/14/Add.1
19 March 1996

ORIGINAL: ENGLISH

COMMISSION ON NARCOTIC DRUGS
Thirty-ninth session
Vienna, 16-25 April 1996
Item 10 of the provisional agenda*

MONITORING OF THE UNITED NATIONS SYSTEM-WIDE ACTION PLAN ON DRUG ABUSE CONTROL AND OTHER COORDINATION MATTERS

Report of the Executive Director

Summary

The present report has been prepared pursuant to Commission on Narcotic Drugs resolution 9 (XXXVIII) of 23 March 1995 concerning operational measures to ensure and strengthen cooperation between the United Nations International Drug Control Programme (UNDCP) and the Crime Prevention and Criminal Justice Division of the Secretariat. In that resolution, the Commission requested UNDCP to coordinate with the Division in reporting annually to the Commission on Narcotic Drugs, and to assist the Division in reporting to the Commission on Crime Prevention and Criminal Justice on progress achieved in the strengthening of coordination. A report on the subject by the Executive Director was submitted to the Commission on Narcotic Drugs at its thirty-eighth session. The present report contains a brief review of activities jointly undertaken by UNDCP and the Division during the reporting period, including participation in events organized by the two entities, technical cooperation, and reporting and coordination in areas of common concern. A number of initiatives and projects which are currently being planned or finalized are also noted.

*E/CN.7/1996/1.

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CONTENTS

	Paragraphs	*Page*
INTRODUCTION	1-4	2
I. JOINT ACTIVITIES	5-14	3
II. COORDINATION	15-16	4

INTRODUCTION

1. The Commission on Narcotic Drugs, at its thirty-eighth session, adopted resolution 9 (XXXVIII) of 23 March 1995 concerning operational measures to ensure and strengthen cooperation between the United Nations International Drug Control Programme (UNDCP) and the Crime Prevention and Criminal Justice Division (formerly Branch) of the Secretariat. The Commission requested UNDCP to coordinate with the Division in reporting annually to the Commission on Narcotic Drugs, and to assist the Division in reporting to the Commission on Crime Prevention and Criminal Justice on progress achieved in the strengthening of coordination.

2. With regard to cooperation in undertaking joint technical assistance activities, the Commission, in the same resolution, requested UNDCP and the Division to seek to use the expertise of all competent organizations and entities, for the purpose of ensuring maximum effectiveness in the utilization of resources, in the elaboration of international instruments and in assisting States in needs assessment. UNDCP and the Division were also requested to jointly provide to requesting States technical assistance in the training of judicial and investigative personnel, and in the elaboration of legislation and treaties of mutual assistance in criminal matters and of extradition.

3. Concerning cooperation in activities directed against organized crime, particularly crime related to illicit trafficking in narcotic drugs and psychotropic substances, the Commission requested Member States to implement the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,[1] adopted by the World Ministerial Conference on Organized Transnational Crime held at Naples, Italy, from 21 to 23 November 1994, and subsequently approved by the General Assembly in its resolution 49/159 of 23 December 1994. UNDCP and the Division were requested to jointly provide to requesting States assistance in the prevention and control of money-laundering and the illicit transfer of assets, on the basis of the recommendations contained in the Naples Political Declaration and Global Plan of Action, as well as in other relevant United Nations resolutions, particularly in the following areas: (a) the introduction into national legislation of penal and administrative measures designed to identify and effectively control the laundering of all proceeds from drug-related crime; and (b) the adoption of legislative measures for the confiscation or seizure of illicit proceeds, preventive measures designed to promote ethical standards in public administration, the business sector, financial institutions and relevant professions, as well as measures to foster cooperation between the authorities in charge of regulating the financial and economic sectors and those applying penal laws.

4. In addition, the General Assembly, in its resolution 50/146 of 21 December 1995 on strengthening the crime prevention and criminal justice programme, particularly its technical cooperation capacity, requested the Secretariat to continue to strengthen cooperation between the UNDCP and the Division.

I. JOINT ACTIVITIES

5. Close cooperation and coordination between UNDCP and the Division continued during the reporting period. Information was regularly exchanged in areas of common concern. New initiatives were jointly planned for assistance to Angola, Kazakstan, Kyrgyzstan, Pakistan, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan and Uzbekistan. UNDCP funded a joint mission to Pakistan in March/ April 1995. The field offices of UNDCP offered general assistance to advisory missions undertaken by the Interregional Advisers for Crime Prevention and Criminal Justice.

6. UNDCP was represented at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, where it provided assistance with the documentation and organization of the workshop on extradition and international cooperation: exchange of national experience and implementation of relevant principles in national legislation. It was also represented at the fourth session of the Commission on Crime Prevention and Criminal Justice.

7. The Division, moreover, was represented at the thirty-eighth session of the Commission on Narcotic Drugs, held in March 1995, as well as at its resumed thirty-eighth session, held in December 1995.

8. UNDCP was represented at the Regional Ministerial Workshop on Organized Transnational Crime, held under the auspices of the Government of Argentina and the Division at Buenos Aires from 27 to 30 November 1995. The Workshop reviewed relevant activities undertaken as a follow-up to the Naples Political Declaration and Global Action Plan. As a contribution to the Workshop, UNDCP provided information based on its experience with the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[2] in such areas as money-laundering, mutual legal assistance, extradition and confiscation.

9. UNDCP and the Division are currently jointly finalizing a project proposal for a global project on money-laundering, aimed at the development of the basic legal and institutional framework for and efficient response to transnational organized crime. The proposal takes into account and complements the activities of the Financial Action Task Force established by the seven major industrialized countries (Group of Seven) and the President of the Commission of the European Communities, as well as those of the International Criminal Police Organization, the World Customs Organization and other organizations actively involved in combating money-laundering.

10. As part of the project on institution-building and improvement of control measures in Ukraine, developed by UNDCP, the Division followed up its commitment to assist in the implementation of the project by providing the services of a consultant for two periods of two weeks each, to advise on the policy coordination activities of all agencies of the criminal justice system and their roles in a democratic society. A further objective was to assist the drug law authorities in their effort to establish a coordination mechanism within the criminal justice system and to advise on solutions. The Division further assisted in the implementation of the project on institution-building and improvement of control measures in Belarus, developed by UNDCP, by organizing two consecutive training courses on the role of the police in the criminal justice system for high-ranking police officers of the Belarus police.

11. UNDCP and the Division, in cooperation with the Organization for Security and Cooperation in Europe, are also jointly planning the organization of a ministerial meeting on organized crime for the central Asian States of Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, to be held in 1996. The first preparatory meeting was held at Vienna, on 26 January 1996.

12. In addition, the Division participated in the expert meeting on establishing policies and priorities in drug control in the context of the criminal justice system, organized by UNDCP and the Council of Europe, and held at Budapest from 7 to 8 September 1995. The meeting was part of a larger project of UNDCP, the main

objective of which was to halt the deterioration in the ability of criminal justice systems to play a central role in drug control. That could be achieved by establishing a coherent policy based on the interrelationship between the drug-control and criminal justice activities of the participating countries.

13. UNDCP and the Division also made a joint submission to the Ad Hoc Committee on the Establishment of an International Criminal Court. They reviewed the draft statute for an international criminal court contained in the report of the International Law Commission on the work of its forty-sixth session, and commented on a number of issues which were of importance to the work of both the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice, for example, the prevention and control of transnational organized crime.

14. UNDCP and the Division continued to explore ways of enhancing their cooperation in areas of mutual interest and concern, for example, through the UNDCP legal assistance programme and the interregional advisers of the Division. Areas identified for possible cooperation included the following:

(a) Further elaboration of existing UNDCP model drug legislation by incorporating appropriate United Nations criminal justice standards and norms, such as those concerning the treatment of offenders and police powers. Other model laws, such as anti-corruption legislation and codes of criminal procedure could also be developed. Those activities could be undertaken on an incremental basis, as resources permit;

(b) Joint preparation of training manuals, taking into account the needs of different regions and legal traditions, concerning, for example, criminal justice procedures for the prosecution of offences;

(c) Provision of input into the training components of national projects in their respective areas;

(d) Enhanced exchange of information concerning forthcoming missions.

II. COORDINATION

15. UNDCP and the Division continued to coordinate with other agencies through the Subcommittee on Drug Control of the Administrative Committee on Coordination, and the Division was represented by the United Nations Interregional Crime and Research Institute at the annual meeting of the Subcommittee held from 31 July to 2 August 1995.

16. The Division also provides substantive support to a UNDCP project for the harmonization of drug control legislation in all States of Central America, in cooperation with the Inter-American Drug Abuse Control Commission of the Organization of American States and with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

Notes

[1]See A/49/748, annex, sect. I.A.

[2]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).